

1 MR. SHOOK: Well, I think that's something
2 that we can both argue about when the time comes.

3 MR. PRICE: But as far as what Mr.
4 Helgeson stated in his testimony, I agree that he said
5 that he doesn't know when it was placed in the file
6 and he's not making any statements as to whether it
7 was there in '93, '95 or 2003. So as long as it's
8 clear that all he's saying he doesn't know when it was
9 in there, but it's in there now, that's fine by us.

10 JUDGE SIPPEL: All right.

11 MR. SHOOK: I think that would just
12 shortcut things a bit.

13 JUDGE SIPPEL: Well, I'll accept that
14 stipulation, and I think you've been clear enough on
15 the record with this that it doesn't have to be
16 reduced to writing. If you prefer to reduce it to
17 writing that's fine.

18 MR. SHOOK: No, I mean, if we're on the
19 record now that will suffice.

20 JUDGE SIPPEL: Those are some numbers I
21 even wrote down. So that's about as clear as it gets.

22 All right, then, I'm accepting the

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1 stipulation, appreciate that very much. Now why don't
2 we take a break? It's almost 4:00 by that clock, why
3 don't we take a break until 4:15. And then we'll keep
4 going as long as you -- I'm not sure, what do you
5 think in terms of -- what do you project as far as
6 finishing with the witness?

7 MR. SHOOK: Oh, we'll carry over until
8 tomorrow.

9 JUDGE SIPPEL: All right.

10 MR. DUNCAN: And with that in mind I would
11 hope that we wouldn't go too, too late with this
12 witness. I just don't want him worn out in this
13 process if we can avoid it.

14 JUDGE SIPPEL: Well, ask him how he feels.
15 I would like to go until 6:00.

16 MR. DUNCAN: I think that's probably fine.
17 I guess I was -- he had expressed some concern about
18 whether he was going beyond that, and I just don't
19 want him to be stressed thin. So if we can talk,
20 6:00-ish is fine.

21 JUDGE SIPPEL: I don't think his concern
22 would have exceeded mine if you wanted to go later

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1 than that. We're in recess.

2 (Whereupon, the above-entitled matter went
3 off the record at 3:53 p.m. and resumed at 4:13 p.m.)

4 JUDGE SIPPEL: Mr. Helgeson, I just want
5 to let you know that just before we recessed, Mr.
6 Shook suggested a way of facilitating some of your
7 testify by way of stipulation.

8 Meaning that the parties through counsel
9 have agreed that if you were going to testify to
10 similar information in this Exhibit 44, that you would
11 testify the same way that you have with respect to the
12 two or three examples that we went through.

13 THE WITNESS: Okay.

14 JUDGE SIPPEL: And that, I just wanted to
15 let you know what we were doing in your absence here,
16 and it's a very commendable thing that counsel were
17 able to work that out, because it's going to get
18 everybody home earlier tonight. Okay? Here we go.

19 BY MR. SHOOK:

20 Q Mr. Helgeson, as backdrop to some
21 questions that I'm about to ask, I'm going to just
22 draw your attention to two different program guides.

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1
2 The first one appears in the summer 1994
3 portion of the Public File information, and the
4 information that I'm going to read to you, if you wish
5 to look at you may, of course, but what I'm going to
6 read to you is from page 182 of EB Exhibit 44 and that
7 is from the summer 1994 program guide.

8 Now, on page 182, there are a list of
9 names who are under various headings, one of which is
10 KALW Personnel.

11 A I want to just -- which one, summer of
12 '94? Okay.

13 Q I think it's more important that you
14 listen to what I'm saying as opposed to trying to read
15 the document. I mean, not that you can't, it's just
16 that I think it would be easier. Under KALW
17 Personnel, the first name listed is Jerry Jacob, and
18 he's identified as the General Manager.

19 The second person who's listed is Dave
20 Evans, and he's identified as the Chief Engineer.
21 You're the third person who's listed, and you're
22 identified as the Operations Manager and Subscription

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1 Coordinator. Then we move down to the heading of KALW
2 Volunteers.

3 There are a list of names, the first being
4 Jan Atterbery, then it goes on John Covell, Paul Fey,
5 Dan Gunning, Joan Helgeson. I take it that's your
6 wife?

7 A That's Mrs. Helgeson, that's my wife.

8 Q Betty de Losada, and then a number of
9 other names concluding with Georgiana Scott. Now,
10 moving on to the next edition of the KALW program
11 guide, this would be for fall 194 - 1994, excuse me.

12 And at EB Exhibit 44, page 195, again
13 there are a list of names. Under KALW Personnel,
14 again as General Manager there's Jerry Jacob, Dave
15 Evans is the Chief Engineer, William Helgeson is the
16 Operations Manager/Subscription Coordinator.

17 Then we move down to the bottom, where it
18 has KALW Volunteers, there are a series of names, the
19 first being Kathleen Abbe and then the last name that
20 appears in the first row is Susan Hecht. So this is -
21 - this is noted in the fall 1994 edition of KALW
22 program guide.

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1 Succeeding program guides continue to list
2 Susan Hecht as a volunteer up until, or should I say
3 through, rather, the program guide for the April-May-
4 June of 1997, at which time Jeffrey Ramirez is the
5 General Manager, Dave Evans is still the Chief
6 Engineer, you are the Operations Manager/Subscriptions
7 Coordinator, and then when you look down for KALW
8 Volunteers, Susan Hecht's name still appears.

9 So with that in mind, we had talked a
10 little bit about Susan Hecht before, but I want to ask
11 a series of questions that really focuses on her.
12 First of all, did you know her?

13 A Yes, I knew Susan Hecht.

14 Q Did she work as a volunteer at KALW?

15 A I remember that she volunteered at KALW in
16 the office.

17 Q Approximately for how many years did she
18 so volunteer?

19 A I would say several -- and from what
20 you've just said it looks like about at least three
21 years, approximately.

22 Q Approximately how often per week would Ms.

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1 Hecht come to the station to work as a volunteer?

2 A I don't have any records of how often she
3 came. Once per week would probably be normal.

4 Q Well, this is a bit of an aside, but in
5 order to get your name listed as a volunteer, would
6 there have to be a certain minimum number of times
7 that you appeared in a particular quarter?

8 A No, there was no set number of -- you had
9 to hit a certain number to get your name in there.
10 These were generally volunteers who at some time
11 during, maybe not even on a less than weekly basis,
12 volunteered at the station.

13 Q But as far as Susan Hecht was concerned,
14 as far as your understanding of her appearing at the
15 station, it was roughly once a week?

16 A I don't recall exactly. It's --

17 Q I mean would it be fairer to say once a
18 month?

19 A It could have been -- it could have been
20 anywhere, like I say I don't recall the specific
21 frequency, how often she would come in. She was a
22 regular volunteer but I couldn't tell you for sure it

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1 was a specific -- I couldn't give you a specific,
2 every Thursday or every other Thursday answer.

3 Q Would there be a day of the week that she
4 typically would come in?

5 A I don't recall a specific day that she
6 came in, other than it was a weekday, because that's
7 generally when I was there. We generally did normal
8 office volunteering on a Monday-through-Friday basis.

9 Q With respect to a volunteer like Susan
10 Hecht, would it be practice for individuals like that
11 simply to show up, or would this be something where
12 you would have a particular need and you would seek
13 out a volunteer and call them into the office?

14 A It could go -- generally in the case of --
15 I knew when volunteers -- when they were coming in,
16 and so I'd be ready to have some kind of a task for
17 them to do. Now, often with volunteers they didn't
18 have a specific, regular time, some of them -- and I
19 would -- as they were leaving once, I'd say, well,
20 when can you come in again?

21 And Dave had a look at their schedule, and
22 from looking at their schedule we might say next

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1 Thursday or perhaps two weeks from now, or something.
2 It would depend on the volunteer and their particular
3 availability.

4 Q Now, what kind of reliance did you have on
5 volunteers?

6 A We certainly -- given the smallness of our
7 paid staff, we relied on volunteers. And it was quite
8 common on any given workday that at least one
9 volunteer would be in the office at some point.

10 Q When was your last contact with Susan
11 Hecht?

12 A I could only say years ago. I couldn't
13 give you -- I don't have a specific date that I last
14 spoke with her or saw her.

15 Q Do you have any understanding as to
16 whether or not she still resides in the Bay Area?

17 A I don't know her whereabouts, whether they
18 are in the Bay Area or somewhere else.

19 Q Do you know what happened with her family
20 situation, particularly her husband?

21 A If I was aware at one point I don't really
22 remember now. She may have said something I don't

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1 recall about her husband.

2 Q Would it be your responsibility to assign
3 volunteers specific tasks when they come in?

4 A Over the years generally I would be the
5 one who would assign tasks, because basically I was
6 the front office administrator in the station. So I
7 was generally the person who would assign tasks to
8 volunteers who had some kind of a -- who came in and
9 wanted to help the station and gave them some task in
10 the form of telephone calls, making phone calls,
11 answering phones, stuffing envelopes. We do a lot of
12 stuffing of envelopes in public radio. And various
13 other tasks.

14 Q What opinion, if any, did you have as to
15 Ms. Hecht's reliability to perform a task that you
16 assigned?

17 A I -- looking back, I don't have any
18 particular recollection about her reliability. I
19 don't recall her being an unreliable person.

20 Q Well, let me read to you from your
21 deposition. This is page 231, and it begins at line
22 3. "Question: In terms of her coming to the station

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1 to volunteer, would you characterize her as a reliable
2 individual? Answer: As I recall, when I gave her,
3 asked her to do tasks, she would do them reliably."

4 Is there anything from what you responded
5 to the question that I asked that you would change?

6 A No, like I said in my answer, I don't
7 recall her being an unreliable person. So, yes, she
8 would be a reliable person as far as I could recall
9 now.

10 Q What opinion if any did you have with
11 respect to Ms. Hecht's honesty?

12 A I had no reason during the time she was
13 volunteering at KALW to consider her a dishonest
14 person.

15 Q Now, from what we talked about before, I
16 take it there was a time when you became aware that
17 Jeffrey Ramirez had Ms. Hecht do some task in
18 connection with the station's Public File.

19 A Is that a question? Oh, yes, yes, I'm
20 sorry.

21 Q I'll change the inflection of my voice
22 next time.

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1 A Okay.

2 Q I left everybody in suspense here.

3 A Do you want to say -- I'm sorry -- so --

4 Q No, I think you answered.

5 A Oh, okay.

6 Q Did you ever -- did there come a time when
7 you became aware that Ms. Hecht produced a document of
8 what she apparently found in the Public File?

9 MR. DUNCAN: Objection, Your Honor.
10 There's no foundation for that, for the
11 characterization he has just given.

12 JUDGE SIPPEL: Sustained. Lay a little
13 foundation.

14 MR. SHOOK: Well, first of all, Your
15 Honor, in the record there is a report.

16 JUDGE SIPPEL: You mean her report.

17 MR. SHOOK: Yes.

18 JUDGE SIPPEL: Yes. Well, you can start
19 with that.

20 BY MR. SHOOK:

21 Q Were you aware that Ms. Hecht ever
22 produced a report with respect to what she may have

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1 found in the Public File?

2 MR. DUNCAN: Objection, Your Honor.
3 That's already been asked and he's already answered
4 that question.

5 MR. SHOOK: Well, I mean, you just said I
6 needed to lay a foundation, and that's the foundation
7 question. What's the basis for the objection?

8 JUDGE SIPPEL: Yes, we have answered that
9 question, and you don't know -- you don't know
10 anything about a listing that she made up or she wrote
11 up, correct?

12 THE WITNESS: Yes.

13 JUDGE SIPPEL: A document that she
14 prepared that relates to the public information file?

15 THE WITNESS: I don't recall seeing a
16 document that she prepared. She never gave it to me
17 that I can recall.

18 BY MR. SHOOK:

19 Q Right. At this point I'm not so much
20 specifically concerned about whether you saw the
21 document as whether you were aware that one had
22 produced.

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1 A I wasn't aware of a document because I
2 don't have any recollection or recall a document being
3 prepared by Susan Hecht.

4 Q So I take it there was never a time when
5 you had a discussion with Mr. Ramirez about such a
6 document?

7 A If Jeff and I spoke -- if Jeff spoke to me
8 about a document that's -- I don't now remember that
9 conversation.

10 Q Did you know a person by the name of Dave
11 Evans?

12 A Dave Evans, when I came to the station,
13 was there and he was the Chief Engineer of the
14 station. So I knew him, yes. Until he died in --
15 several years later from an automobile accident.

16 Q Was Mr. Evans' death sometime in January
17 of 1998?

18 A It was in early '98, and -- it was in
19 early 1998, I'm not sure of the date or the month.

20 Q The automobile accident that he was
21 involved in, that was in November of 1997?

22 A It was in the fall, I don't recall the

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1 exact date, though. Of the accident.

2 Q Over the years that you worked together at
3 KALW, did you have a chance to interact with Mr.
4 Evans?

5 A Yes, occasionally we would work together
6 on some -- on preparing a -- in his job as Chief
7 Engineer we didn't have to work together on
8 everything, but periodically there would be some
9 document that needed to be done, or some task, and I
10 would help him or he would help me, or we'd answer
11 each other's questions.

12 Q Yes, my question was more general, but
13 basically it was characterized as interaction, and it
14 could be as simple as passing each other in the
15 whatever might pass for a hallway there, and did you
16 say hi to each other, or you ignored each other, or --

17 MR. DUNCAN: Objection.

18 MR. SHOOK: Well, I'm trying to get a --

19 JUDGE SIPPEL: He's right. He's trying to
20 set a foundation. I'm going to allow the question.
21 Go ahead, Mr. Shook.

22 BY MR. SHOOK:

1 Q Basically, will you just describe for me
2 what kind of interaction you had with Mr. Evans over
3 the years?

4 A We were on a first-name basis. We greeted
5 each other when we saw each other. Had -- I felt we
6 had a pretty good working relationship. I don't know,
7 we had a good working relationship.

8 Q What opinion, if any, did you have as to
9 Mr. Evans' honesty?

10 A There wasn't anything that I can recall
11 that -- what -- that I would consider him a dishonest
12 person.

13 Q Did there ever come a time when you became
14 aware that Dave Evans had told Jeffrey Ramirez that
15 the KALW Public File was a mess?

16 A I don't recall being in that conversation,
17 or, is that what your question is, or did Dave Evans -
18 - is the question did, did Dave Evans tell me?

19 Q Tell you what, let me just repeat the
20 question.

21 A All right.

22 Q Did there ever come a time when you became

1 aware that Dave Evans had told Jeffrey Ramirez that
2 the KALW Public File was a mess?

3 A I don't remember hearing about that
4 conversation, no.

5 Q Did there ever come a time when you became
6 aware that Mr. Evans had told Jeffrey Ramirez that
7 ownership reports had not been placed in the station's
8 Public Inspection File as required?

9 A I'd have to say now that I don't have a
10 recollection of hearing that about that conversation.

11 Q Did there ever come a time when you became
12 aware that Mr. Evans had told Jeffrey Ramirez that
13 quarterly issues reports had not been placed in the
14 station's Public Inspection File as required?

15 A I'm not aware of that conversation between
16 Jeff and Dave Evans.

17 Q Did there come a time when you came to
18 know a person named John Covell?

19 A John Covell, as I recall, was a volunteer
20 at the radio station, and I believe was working on the
21 -- perhaps the City Visions radio program.

22 Q Approximately when did you come to know

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1 Mr. Covell?

2 A As best as I could recall in mid-1990s,
3 ten years or so ago.

4 Q Did you ask Mr. Covell before the filing
5 of the 1997 renewal application, which occurred on
6 August 1, 1997, to provide one or more documents for
7 placement in the KALW Public Inspection File?

8 A Prior to the submission of the license to
9 renew in 1997 -- is that the date you said?

10 Q Yes.

11 A Prior to that date, I don't recall asking
12 John Covell about any lists of issues.

13 Q Did you ever ask Mr. Covell to provide one
14 or more documents for placement in the KALW Public
15 Inspection File?

16 A Well, I may have, I -- at this time I
17 don't remember having done so.

18 Q I want to read to you a paragraph from the
19 testimony of John Covell, which is in evidence in this
20 proceeding as EB Exhibit No. 3, and the paragraph that
21 I'm going to read to you is paragraph 5, which appears
22 on pages 1 and 2 of that document.

1 "In July 1997, at the request of station
2 KALW FM management, I created a 7-page document, the
3 last three pages of which, I later came to learn,
4 appeared as Exhibit O in a Petition to Deny filed at
5 the Federal Communications Commission in November 1997
6 by a group called Golden Gate Public Radio. That
7 document appears as Attachment 1 hereto. No one
8 instructed me as to how to format the referenced 7-
9 page document, and no one asked me to change it in any
10 way subsequent to my sending it to the station. I
11 have never before been asked by anyone to create such
12 a document."

13 Having read that to you, does that refresh
14 your recollection at all as to whether you had asked
15 Mr. Covell before the filing of the 1997 renewal
16 application to provide one or more documents for
17 placement in the KALW Public Inspection File?

18 A Again, I would have to say I don't recall
19 asking John Covell in that period of time. He
20 mentions here KALW management. Certainly this goes
21 beyond me. It doesn't specifically say me. So, I
22 have no recollection of asking him.

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1 Q In July of 1997, who, to your
2 understanding, would have constituted KALW FM
3 management?

4 A In that period of time I was the
5 Operations Manager, Jeff Ramirez was the Station
6 Manager. That's what I could recall. Other than
7 that, the paid staff consisted of Dave Evans, the
8 Chief Engineer, and announcers.

9 Q I think you answered my question --

10 A Oh, I'm sorry. Well, I mean, as far as I
11 could -- what I would say -- my answer to that
12 question would be that management consisted of myself
13 and my supervisor, Jeff Ramirez.

14 Q Now. I want to direct you to pages 5, 6
15 and 7 of EB Exhibit 3. Now, first of all, do you
16 recognize this document?

17 A I believe, in doing some preparation for
18 this case, I believe I've seen that document before,
19 or perhaps even at our deposition last September.

20 Q Other than in preparing for your testimony
21 today and in connection with your deposition last
22 September, do you have any recollection of seeing this

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1 document before then?

2 A I don't specifically -- before that period
3 of time that we're talking about, I don't specifically
4 remember looking at this document.

5 Q Now, if you look at the bottom center of
6 each of the three pages, you'll notice that there is
7 a printed number on each of the three pages, and those
8 numbers go 5, 6, 7?

9 A I see the 5, 6, 7.

10 Q Were you aware that there were pages 1
11 through 4 for this document?

12 MR. DUNCAN: Object. I don't know where
13 you're going, but the Attachment 1 has a number 4 on
14 it, and the next page has a 5 and the next page has a
15 --

16 THE WITNESS: Let's see, so was I aware
17 that there was a pages 1, 2, 3, 4?

18 BY MR. SHOOK:

19 Q Yes, sir.

20 A Since I, I really don't recall seeing it
21 for the first time other than when I saw pages 5, 6,
22 7, I don't know when I would have seen pages 1, 2, 3

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1 and 4.

2 Q Right. No, I was just wondering whether -
3 - if you noticed that because pages 5, 6 and 7 have
4 those printed numbers at the bottom center of the page
5 that that might have triggered a memory that oh, yes,
6 this was part of a larger document and I actually saw
7 that. And if you don't, you don't.

8 A I would have to say at this time, no. I
9 don't have a recollection of that. Of seeing pages 1,
10 2, 3, 4 of these before.

11 Q Now, we've also spoken briefly about Mr.
12 Farley, and so, approximately when did you come to
13 know Mr. Farley?

14 A Alan Farley has been -- was working at the
15 radio station when I started there, as a volunteer,
16 back in '86, so I've known him the entire time I've
17 been there.

18 Q Did you ever ask Mr. Farley before the
19 filing of the 1997 renewal application to provide one
20 or more documents for placement in the KALW Public
21 Inspection File?

22 A Prior to the '97 application, I didn't ask

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1 Mr. Farley to -- for any documents regarding that
2 list.

3 Q Did there ever come a time when you asked
4 Mr. Farley to provide one or more documents for
5 placement in the KALW Public Inspection File?

6 A I may have, but I don't recall any
7 specific conversation.

8 Q In terms of your "may have", do you
9 remember whether anything resulted from that?

10 A Not that I have a specific recollection
11 of.

12 Q Did there come a time when you came to
13 know a person by the name of Chuck Finney?

14 A Chuck Finney. Yes. I know Chuck Finney,
15 and I'm not certain if he was doing the Your Legal
16 Rights program when I started there, but it started
17 shortly after I came, then. It's been on for quite a
18 while. So I've known Chuck Finney for a number of
19 years.

20 Q So you came to know Chuck Finney in the
21 context of his being involved in a program called Your
22 Legal Rights?

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1 A That's right. He's the host and producer
2 of the program.

3 Q You came to know him sometime shortly
4 after you came to the station?

5 A Like I say, I don't recall -- I have to --
6 if his show was on. It may have actually still,
7 already been on when I came to the station, or if it
8 started after it -- started shortly after, because
9 it's been on KALW for quite a while.

10 Q So your recollection is it's a very long
11 running show.

12 A I would say it is, yes.

13 Q Did you ever ask Mr. Finney before the
14 filing of the 1997 renewal application to provide one
15 or more documents for placement in the KALW Public
16 Inspection File?

17 A Before the 1997 application was due, I
18 don't recall asking Chuck Finney about.

19 Q Did you ever ask Mr. Finney to provide one
20 or more documents for placement in the KALW Public
21 Inspection File?

22 A I don't recall specifically asking Chuck

1 Finney to make that -- I don't, making that request of
2 Chuck Finney.

3 Q To your knowledge, did Chuck Finney ever
4 provide to the station one or more documents
5 concerning Your Legal Rights program for placement in
6 the station's Public Inspection File?

7 A On a weekly basis, Chuck Finney would
8 provide us program information about each -- he had a
9 weekly radio -- he still has a weekly radio show, and
10 he provides us with a piece of paper with program
11 information about topic, guest and so on that
12 particular show.

13 I didn't -- it's for program information.
14 I don't think it was specifically requested. We never
15 make specifically requests that it be for the public
16 information file, though.

17 Q What would you do with the document that
18 you just described that Mr. Finney gave you?

19 A I had a -- there are -- at the station
20 there is -- there are some binders, and they're tabbed
21 by name of show, an alphabetic list of some -- some of
22 the shows.